

47 USC S. 336b5 grants the FCC the authority to prescribe regulations relating to advanced television services "as may be necessary for the protection of the public interest, convenience, and necessity."

The proposed mandate of the broadcast flag and other copy protection mechanisms into all consumer hardware does not protect the public interest, and in fact runs against it. Members of the public should maintain every right, as they do now, to time-shift and otherwise record television signals for personal use. This is an integral part of fair use and was clearly established as legal by the Court, and has indeed become an integral part of popular culture and the American lifestyle.

Proposed regulations in this matter would be unacceptable to the public once the public at large has to deal with their consequences. And, indeed, since current HDTV sets require external receiver boxes, the proposed regulations would render all existing HDTV sets obsolete since, when the proper flag is present, the receiver box wouldn't allow the signal to be passed to the HDTV in high-definition resolutions. The FCC would therefore be penalizing all current owners of HDTV sets, who are mostly early-adopters who are driving this and related technologies forward in the consumer space.